



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE  
FEDERAL BUILDING, 301 S. PARK, DRAWER 10096  
HELENA, MONTANA 59626-0096

1832775 - R8 SDMS

Ref: 8MO

MAR 20 2000

Jefferson County Commissioners  
PO Box H  
Boulder, MT 59632

Dear Commissioners:

Enclosed please find EPA's revision of the draft Memorandum of Understanding for Communications Regarding the Basin Mining Area and Upper Tenmile Creek Mining Area NPL Sites. We regret the delay between our meeting with you and our response to the MOU. We hope that our draft is acceptable to the County, and perhaps to the other signatories. We are comfortable having an MOU between just EPA and the County, however.

We are finalizing our community relations plans for the sites, which should incorporate all the concerns that we have heard since these projects were initiated in fall of 1998. We will copy you on both plans when they are complete. We recently mailed a newsletter/fact sheet to all Basin residents and those on our mailing list (if you did not receive a copy, please let us know). We are finalizing a fact sheet on Upper Tenmile Creek Mining Area for distribution in April. We would appreciate any comments or suggestions you might have about any of our mailings, especially the fact sheet.

If you would like to discuss the MOU or the status of the two sites, we are available to meet with you individually or as a commission at your convenience.

Sincerely,

*Robert L. Fox*  
Robert L. Fox  
Superfund Branch Chief

Enclosure

cc: James Harris, RPM, Town of Basin  
Mike Bishop, RPM, Watershed Issues  
Pam Hillery, Community Involvement Coordinator  
Suzanne Bohan, Site Attorney

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**MEMORANDUM OF UNDERSTANDING FOR COMMUNICATIONS REGARDING  
THE BASIN MINING AREA AND UPPER TENMILE CREEK MINING AREA NPL  
SITES**

**1. PURPOSE:** The purpose of this Memorandum of Understanding is to promote public awareness and efficient communication between federal, state and local government agencies and watershed groups regarding abandoned mine cleanup in Jefferson County and Lewis & Clark County, and the use of the Luttrell Pit mine waste repository.

The United States Environmental Protection Agency (EPA) has entered into an agreement with Lewis & Clark County wherein Lewis & Clark County agreed to acquire an environmental protection easement to Luttrell Pit, located in Lewis and Clark and Jefferson County. This easement facilitates EPA's use of Luttrell Pit as a repository for mine waste to be removed from several abandoned mines in the Basin Mining Area and Upper Tenmile Creek Mining Area NPL sites. The United States Forest Service (USFS) and Bureau of Land Management (BLM) are currently working with EPA to develop an agreement whereby they may be able to use the Luttrell Pit mine waste repository. EPA, USFS and BLM recognize the importance of coordinating and communicating their plans with private landowners, watershed groups and with state and local governments and agencies. Private landowners, watershed groups and state and local government agencies understand the importance of coordinating with EPA, USFS, and BLM to ensure that the needs of the citizens of Jefferson County and Lewis & Clark County are considered in the resulting plans. Therefore, it is recognized that it is in the best interest of all parties to develop this joint communications strategy.

**2. ORGANIZATION, ROLES AND RESPONSIBILITIES:** The parties to which this Memorandum of Understanding (MOU) apply are the EPA, USFS, BLM, Montana Department of Environmental Quality (MDEQ), Jefferson Valley Conservation District, Lewis & Clark Conservation District, Jefferson County, Lewis & Clark County, and the Upper Tenmile Watershed Steering Group. The parties recognize their authorities are distinctly different. Each party is guided by the specific laws and regulations which pertain to its respective level of government and administrative responsibilities. However, they recognize the need for better coordination and communication with each other to share a broader vision of how their coordinated actions and efforts can contribute to enhance the health, safety and welfare of the people of Jefferson and Lewis & Clark County by cleaning up abandoned mines sites, minimizing the impact of uncontrolled releases into watersheds, and improving water quality.

An Interagency Advisory Group will be formed to facilitate communications. The group will be responsible for scheduling and participating in meetings. Designated group representatives are as follows:

EPA - Bob Fox, Superfund Program

U.S. Environmental Protection Agency  
301 S. Park, Drawer 10096  
Helena, MT 59626-0096  
(406) 441-1150 (ext. 264)  
fox.bob@epa.gov

BLM -

USFS - Forest Supervisor Beaverhead-Deerlodge & Helena

MDEQ -

Jefferson County Conservation District-

Lewis & Clark Conservation District -

Chris Evans, District Administrator  
790 Colleen St. Helena, MT 59601  
449-5000 ext. 112 FAX 449-5039  
chris-evans@mt.nacdnet.org

Jefferson County -

Glenna Obie, Chair, Board of Commissioners  
PO Box H  
Boulder, MT 59632  
225-4025 FAX 225-4148

Lewis & Clark County - Chair, Board of Commissioners

Upper Tenmile Watershed Steering Group -

A mailing list including fax numbers and email addresses will be provided to each party to facilitate communication.

EPA has designated several on-scene coordinators (OSCs) and remedial project managers (RPMs) for the various cleanup activities planned for the NPL sites. EPA will provide a list identifying these individuals, the sites to which they are assigned and relevant contact information. These individuals typically have the most up-to-date information regarding site-specific activities, and direct contact with them is encouraged, especially when questions or concerns arise.

### **3. RESPONSIBILITIES:**

EPA - EPA is conducting response actions to address releases or threatened releases of hazardous substances in the Upper Tenmile and Basin watersheds pursuant to its authorities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

BLM -BLM is responsible for administering public land in Jefferson and Lewis & Clark County.

USFS - USFS is a multiple use land management agency responsible for the management of the Helena National Forest and the Beaverhead-Deerlodge National Forest in Jefferson and Lewis & Clark County.

MDEQ -

Jefferson Valley Conservation District- Conservation districts are responsible for providing leadership in the conservation and wise use of soil, water, and related resources within district boundaries.

Lewis & Clark Conservation District - Conservation districts are responsible for providing leadership in the conservation and wise use of soil, water, and related resources within district boundaries.

Jefferson County - The Jefferson County Board of Commissioners serves as the governing body for the County and is responsible for managing land use planning, disaster and emergency services, and maintaining the health, safety, and culture of the residents within the County.

Lewis & Clark County - The Lewis & Clark County Board of Commissioners serves as the governing body for the County and is responsible for managing land use planning, disaster and emergency services, and maintaining the health, safety, and culture of the residents within the County.

Upper Tenmile Watershed Steering Group -

#### **4. MUTUAL AGREEMENT**

The parties agree to the following:

- a. Exchange information related to the schedule and locations of planned cleanup activities, sampling results from groundwater, surface water and soils in the watersheds and other issues relevant to the abandoned mine cleanup effort, including the management of the Luttrell Pit mine waste repository.

b. Schedule meetings regarding the status of the cleanup efforts at the two NPL sites and the use and management of the Luttrell Pit mine waste repository as needed to convey information at appropriate milestones in the process.

**5. BASIS OF AGREEMENT:** No part of this Agreement modifies existing authorities under which the parties currently operate.

This agreement shall become effective on the date of the last signature by participants. This MOU may be renegotiated or canceled at any time at the initiative of one or more of the parties, following at least a 60 day notice period to the other parties.

Amendments to this MOU may be proposed by any party and shall become effective upon approval by all parties. Following any change in the parties to this MOU, all parties must re-approve the MOU.

This MOU will remain in full force and effect until remedial action has been completed at the Basin Creek Mining Area and Upper Tenmile Mining Area NPL Sites.

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United States Environmental Protection Agency

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Bureau of Land Management

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United States Forest Service  
Beaverhead/Deerlodge

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United States Forest Service  
Helena

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Jefferson Valley Conservation District

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Lewis & Clark Conservation District

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Jefferson County Board of County  
Commissioners

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Lewis & Clark County Board of  
County Commissioners

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Upper Tenmile Watershed Steering Group

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Montana Department of Environmental Quality